

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

THE BIOMECHANICS LLC,
Plaintiff,

v.

**INTERNATIONAL FITNESS
PROFESSIONALS ASSOCIATION, INC.
and DR. JAMES BELL**
Defendants.

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CASE NO. 6:22-cv-974-ADA-JCM

**PLAINTIFF'S UNOPPOSED MOTION TO
EXTEND TIME TO RESPOND TO MOTIONS TO DISMISS**

TO THE HONORABLE COURT:

1. Plaintiff The BioMechanics LLC hereby requests an extension of its deadlines to respond to the following motions:

(1) Dr. James Bell's Motion to Dismiss Under Rule 12(b)(2) for Lack of Personal Jurisdiction and Under Rule 12(b)(3) for Improper Venue (Dkt. 13) ("Bell's Motion"); and

(2) International Fitness Professionals Association, Inc.'s First Amended Motion to Dismiss Under Rule 12(b)(2) for Lack of Personal Jurisdiction, Under Rule 12(b)(3) for Improper Venue, and Under Rule 12(b)(6) for Failure to State a Claim (Dkt. 15) ("IFPA's Amended Motion").

2. To facilitate jurisdictional discovery, Plaintiff respectfully request that its deadline to respond to the motions to dismiss be extended to March 24, 2023.

3. Plaintiff has conferred with counsel for Defendants International Fitness Professionals Association, Inc. ("IFPA") and Dr. James Bell ("Bell"), who do not oppose the relief requested herein.

4. Plaintiff sued Defendants for copyright infringement and breach of contract.

5. Defendant Bell's Motion was filed on November 4, 2022 and Defendant IFPA's Amended Motion was filed on November 10, 2022.

6. Plaintiff's current response deadline on Bell's Motion is November 18, 2022; Plaintiff's current response deadline on Defendant IFPA's Amended Motion is November 24, 2022.

7. Each Defendant challenges the basis for personal jurisdiction. Plaintiff's request this extension to facilitate jurisdictional discovery is appropriate and propose regarding Defendants' contacts and business in the State of Texas and this District. The parties have agreed to the preliminary discovery: (a) 12 requests for admissions; (b) 5 interrogatories; and (c) 8 requests for production. These preliminary parameters are made without prejudice to Plaintiff's right to seek additional discovery if it determines that it is necessary. The parties are agreed that additional discovery may be taken by leave of Court or by agreement of the parties.

PRAYER

8. For these reasons, Plaintiff respectfully requests that its deadlines to respond to Bell's Motion and IFPA's Amended Motion be extended to March 24, 2023 and that the Court enter the [Proposed] Agreed Order Granting Unopposed Motion to Extend Time to Respond to Motions to Dismiss attached hereto as Exhibit 1.

DATED: November 16, 2022

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify, I conferred with Mr. Scott Brenner, counsel for Defendants, via email and on the phone. Mr. Brenner relayed that Defendants would not oppose the relief requested herein.

/s/ Isabelle M. Antongiorgi
Isabelle M. Antongiorgi

CERTIFICATE OR SERVICE

I, the undersigned, hereby certify that this Plaintiff's Unopposed Motion to Extend Time to Respond to Motions to Dismiss was filed through the Court's ECF System on November 16, 2022, and thereby served on the following counsel of record:

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